AMO REPORTS

83-4

RESPONSE TO THE DISCUSSION PAPER ON ONTARIO CARBONATED SOFT DRINK CONTAINER REGULATIONS

ASSOCIATION OF MUNICIPALITIES OF ONTARIO
MAY 1983

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Association of Municipalities of Ontario, a non-partisan voluntary organization, is united to promote the values of the municipal government system and the status of the municipal level of government as a vital and essential component of the total intergovernmental framework of Ontario and Canada.

The Association acts as the collective voice of Ontario's municipal governments and is organized to accomplish through cooperation and coordination, what the majority have neither the time nor the resources to do individually.

The Association represents some six hundred (600) municipal governments throughout Ontario. The governing body is composed of some eighty (80) municipal elected and appointed officials, who in turn represent a wide-range of municipal government interest.

The following sections and affiliated municipal professional associations form an important part of the Association's structure and therefore, play an important part in its activities in terms of the Board of Directors, program and policy development:

Association Sections:

* County and Regional Section
* Large Urban Section
* Northern Ontario Section (FONOM/NOMA)
* Rural (ROMA) Section
* Organization of Small Urban Municipalities Section

Association Affiliates:

* Association of Municipal Clerks and Treasurers of Ontario
* Association of Municipal Tax Collectors of Ontario
* Municipal Engineers Association
* Ontario Municipal Administrators Association
* Ontario Municipal Personnel Association
* Ontario Municipal Social Services Association
* Society of Directors of Municipal Recreation of Ontario

To the Municipal Clerk:

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"AMO Reports 83-4" was submitted to the Honourable Claude Bennett, Minister of Municipal Affairs and Housing and the Honourable Keith Norton, Minister of the Environment on June 6, 1983.

One further aspect of the current situation is the informal agreement between the Ministry of the Environment and the soft drink industry to maintain a ratio of 75/25, refillables to non-refillables, in terms of volume of sales. This was done as a means of promoting the refillable system. Indications are that this agreement has not been complied with since 1979, when the Federal Government placed a temporary ban on the 1.5 litre refillable bottle, and that currently the market share is approximately 50/50, refillables to nonrefillables, even though the 1.5 litre refillable bottle is again being used.

3. AMO Recommendations

The Association of Municipalities of Ontario supports the use of the refillable soft drink container as a means of reducing the amount of material in the waste stream. At the same time it recognizes that a system which totally utilizes refillable containers is not feasible at this time because of opposition from the manufacturers of nonrefillable soft drink containers.

To ensure the long term viability of the refillables and reduce the volume of waste entering municipal landfill sites as a result of nonrefillables, the Association suggests that a minimum percentage of sales by volume be required, by regulation, to be in refillable containers. To be effective this minimum level should be set at or above 75%, which is the percentage which the soft drink industry and the Ministry of the Environment previously agreed to.

Therefore AMO recommends:

3.1. That the regulation under the Environmental Protection Act governing carbonated soft drink containers be amended to require that a minimum of 75% of carbonated soft drinks, by volume, sold in Ontario, be contained in refillable containers, such as those presently permitted by regulation.

3.2. That the monitoring of this ratio of refillables to nonrefillables be undertaken at the manufacturing level.

(The refillable containers presently permitted in Ontario are restricted to glass containers in the 300 ml, 750 ml, or 1.5 litre size.)

The vast majority of nonrefillable carbonated soft drink containers that enter the waste stream are of the "bi-metal" variety. The bi-metal nature of this container, which makes it difficult to recycle, and the low value of the materials involved which makes it uneconomical to recycle results in most of these cans being deposited in landfill sites.

The Association suggests that this dilemma could be alleviated by requiring that nonrefillable soft drink containers be made of a single material, and, that the basis for allowing a particular container on the market be its recyclability. The recyclability of a particular container should be measured according to the type of material to be used, its value as recycled material, the availability of a market for the recycled material for an extended time period and the commitment by the manufacturer of the container to establish a province-wide multi-material recycling program. Option #4, as presented in the discussion paper, would appear to be the best option of those presented, to address the issue of the recyclability of the nonrefillable container.

Therefore AMO recommends:

3.3. That the relevant regulation(s) be amended to provide that all nonrefillable carbonated soft drink containers be manufactured from a single material.

3.4. That the use of a particular container to satisfy the up to 25% portion of the carbonated soft drink container industry allocated to nonrefillables be based on the recyclability of the container.

3.5. That the recyclability of the container be measured by, among other things, the following:

- the type of material used
- the value of the container as recycled material

A RESPONSE TO THE DISCUSSION PAPER ON ONTARIO CARBONATED SOFT DRINK CONTAINER REGULATIONS

1. Introduction

On December 29, 1982 the Association of Municipalities of Ontario received a copy of the Ministry of the Environment's Discussion Paper on the Ontario Carbonated Soft Drink Container Regulations. The paper, which was distributed to all municipalities in the province, outlined five options for the regulation of carbonated soft drink containers. These five options were formulated by an interministerial committee, consisting of representatives from the Ministries of Environment, Consumer and Commercial Relations and Industry and Trade.

2. Existing Regulations

The existing Ontario regulation concerning soft drink containers concentrates on the retail aspect of carbonated soft drinks. The focus of the regulation is in three areas:

(1) Advertising - price advertising of nonrefillable containers must be matched, in the same advertisement, with advertising of refillable containers of comparable size and flavour.

(2) Shelf space - display of nonrefillable containers must be matched in container size and flavour by refillable glass containers. Shelf space must be equal for cans and glass containers when both are sold.

(3) Sizes and types of containers - the sizes and types of containers in which soft drinks can be sold by retail vendors are limited to (a) 750 ml nonrefillable glass containers, (b) refillable glass containers (300 ml, 750 ml, 1.5 litre), and (c) non-refillable 300 ml steel cans.

Other container types, such as aluminum cans or plastic containers, and any cans with detachable opening devices, such as metal rings, are not currently permitted.

3. That the relevant regulation be amended to provide that all nonrefillable carbonated soft drink containers be manufactured from a single material.

4. That the use of a particular container to satisfy the up to 25% portion of the carbonated soft drink container industry allocated to nonrefillables be based on the recyclability of the container.

5. That the recyclability of the container be measured by, among other things, the following:
   - the type of material used
   - the value of the container as recycled material
   - the availability of a market for the recycled material for an extended time period
   - the commitment by the manufacturer of the container to establish a province-wide multi-material recycling program.

6. That the Association of Municipalities of Ontario endorses, in principle, Option #4, as presented in the discussion paper on the Ontario carbonated soft drink container regulations to address the up to 25% of the carbonated soft drink containers allocated to non-refillables.

7. That the Ministry of the Environment and the Ministry of Consumer and Commercial Relations consider the use of a deposit system at the retail level as a means of recovering non-refillable containers for recycling.

- the availability of a market for the recycled material for an extended time period
- the commitment by the manufacturer of the container to establish a province-wide multi-material recycling program.

3.6. That the Association of Municipalities of Ontario endorses, in principle, Option #4, as presented in the discussion paper on the Ontario carbonated soft drink container regulations to address the up to 25% of the carbonated soft drink containers allocated to non-refillables.

Another method, which is not addressed in the discussion paper, but that could be used to encourage recycling of the nonrefillables, would be to legislate that nonrefillables returned to the retailer would be subject to a deposit, as is presently done with refillables. This method for the collection of the nonrefillables deserves consideration, but it would only be effective if the recommendations related to single material containers and recyclability, which were presented above, were adopted.

Therefore, AMO recommends:

3.7. That the Ministry of the Environment and the Ministry of Consumer and Commercial Relations consider the use of a deposit system at the retail level as a means of recovering non-refillable containers for recycling.

4. Summary of Recommendations

1. That the regulation under the Environmental Protection Act governing carbonated soft drink containers be amended to require that a minimum of 75% of carbonated soft drinks, by volume, sold in Ontario, be contained in refillable containers, such as those presently permitted by regulation.

2. That the monitoring of this ratio of refillables to nonrefillables be undertaken at the manufacturing level.

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